

Appln. No. 10/525,395

Amdt. dated December 19, 2008

Reply to Office Action of September 25, 2008

### **Amendments To The Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently amended) A metal pigment for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized

in that a metallic substrate has a substrate-enclosing single layer thereover produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;

said single layer being the only layer [[on]] over said metallic substrate;

wherein the metallic ~~core~~ substrate consists of aluminum, exclusive of impurities, 100% of the grain size is < 75  $\mu\text{m}$  and 95% is < 45  $\mu\text{m}$  and the content of mercury is  $\leq 1$  ppm, of arsenic  $\leq 3$  ppm, of lead  $\leq 20$  ppm, and the Al content is  $\geq 99\%$ .

2. (Original) A metal pigment according to claim 1, characterized in that the layer is compatible with a binding agent or carrier of the cosmetic preparation.

Claims 3-9 (Cancelled)

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10. (Previously presented) A pigment according to claim 1, wherein the content of mercury is  $\leq 1$  ppm, of arsenic  $\leq 3$  ppm, of lead  $\leq 10$  ppm, of cadmium  $\leq 1$  ppm, of heavy metals (as lead)  $\leq 40$  ppm, the drying loss at 105°C is  $\leq 0.5\%$ , and the Al content is  $\geq 99\%$ .

11. (Currently amended) A metal pigment in the form of a bronze pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a single substrate-enclosing layer thereover, produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;

said layer being the only layer over said metallic substrate ;

wherein the metallic core contains a content of copper of 70 to 95%, a content of zinc  $\leq 30\%$  and a content of aluminum and tin of  $\leq 0.5\%$  in each case, and the content of cadmium is  $\leq 15$  ppm, of lead  $\leq 20$  ppm, of arsenic  $\leq 3$  ppm and of mercury  $\leq 1$  ppm, and 95% of the grain size is  $< 45 \mu\text{m}$ .

Claim 12 (Cancelled)

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13. (Currently amended) A metal pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a single substrate-enclosing layer thereover, produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;

said layer being the only layer [[on]] over said metallic substrate;

wherein the metallic core consists of silver exclusive of impurities, the content of mercury is  $\leq 1$  ppm, of arsenic  $\leq 5$  ppm, of lead  $\leq 10$  ppm, and the content of silver is  $\geq 99.5\%$ .

14. (Previously presented) A pigment according to claim 13, wherein the content of silver in the core is  $\geq 99.9\%$ .

15. (Currently amended) A metal pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a single substrate-enclosing layer thereover, produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

consists of silicon oxide, aluminum oxide, iron oxide, cerioxide, chromium oxide, corresponding hydrates, or mixtures thereof;

said layer having a thickness of between 20 and 50 nm;  
said layer being the only layer [[on]] over said metallic substrate;  
wherein the metallic core consists of, exclusive of incidental impurities,  
 $\geq 90\%$  gold,  $\leq 7\%$  silver, and  $\leq 4\%$  copper.

16. (Previously presented) A pigment according to claim 1, characterized in that the weight ratio of the layer to the metallic core is between 1 and 0.001.

17. (Previously Presented) A pigment according to claim 1, characterized in that the metallic substrate is a metal pigment produced through grinding with lubricants of plant origin.

18. (Previously presented) A pigment according to claim 1, characterized in that the metallic core is formed flake-like with a diameter of 1 to 100  $\mu\text{m}$  and a mean thickness of 0.05 to 2  $\mu\text{m}$ .

19. (Previously presented) A method for producing a pigment according to claim 1, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

20. (Previously presented) A cosmetic preparation containing a pigment according to claim 1.

Claims 21-22 (Canceled)

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23. (Previously presented) A method for producing a pigment according to claim 11, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

24. (Previously presented) A cosmetic preparation containing a pigment according to claim 11.

25. (Previously presented) A method for producing a pigment according to claim 13, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

26. (Previously presented) A cosmetic preparation containing a pigment according to claim 13.

27. (Previously presented) A method for producing a pigment according to claim 15, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

28. (Previously presented) A cosmetic preparation containing a pigment according to claim 15.